

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION**

LAURA E. HAWKINS, individually and	)	
on behalf of others similarly situated,	)	
MANUEL MOTTA, CHARLOTTE	)	
HART (fka "Charlotte Goolsby"),	)	
ROBERT SLUMAN, JR., KELLY D.	)	
ISHAM, TROY LEE COLVIN, BRYANT	)	
STEPP, and CARL MORRISON II,	)	
	)	<b>CLASS ACTION COMPLAINT</b>
Plaintiffs	)	
	)	<b>COLLECTIVE ACTION</b>
	)	<b>COMPLAINT PURSUANT TO</b>
	)	<b>29 USC § 216(b)</b>
	)	
vs.	)	CASE NO. 3:14-cv-00091-RLY-MPB
	)	
ONSITE OCCUPATIONAL HEALTH	)	
AND SAFETY INC.,	)	
	)	
Defendant	)	

***MOTION TO APPROVE CLASS COUNSEL'S ATTORNEY'S FEES, EXPENSES AND  
COSTS AND REQUEST TO APPROVE CLASS REPRESENTATIVE'S COMPENSATION  
PURSUANT TO TERMS OF SETTLEMENT AGREEMENT***

Comes now the plaintiff class, by Plaintiff Class Counsel Robert P. Kondras, Jr., and moves the Court for an order approving payment of Plaintiff Class Counsel's attorney's fees, costs and expenses and payment of the Class Representatives' compensation, as contemplated by the parties' settlement agreement, and in support of said motion, would show the Court as follows:

1. On February 8, 2016, the Court granted an order preliminarily approving the parties' class action settlement (Docket Entry 224). A final fairness hearing is scheduled in this matter on June 1, 2016.

2. The parties' Settlement Agreement contained the following provisions governing payment of Class Counsel's attorney's fees, expenses, and payment of Class Representatives'

Case Contribution Compensation:

"8. Attorneys' Fees and Expenses

8.1 Class Counsel will apply to the Court for an award of attorneys' fees, not to exceed one-third (33 1/3%) of the Gross Settlement Fund, and reimbursement of expenses payable from the Gross Settlement Fund and shall further provide to the Court, as part of the motion for approval of the Settlement, all necessary information required by the Court concerning the total award of attorneys' fees and reimbursement of expenses. Such application shall be made prior to the deadline for objections to the Settlement and in accordance with such schedule as the Court may establish. Defendants will take no position with respect to any applications for attorneys' fees or expenses, or Class Representative Case Contribution Compensation.

8.2 Class Counsel may also apply to the Court for Class Representatives' Case Contribution Compensation for Class Representatives in an amount not to exceed \$25,000 per Class Representative.

8.3 Upon or after the Effective Date, any attorneys' fees and expenses and Class Representatives' Case Contribution Compensation approved by the Court shall be paid from the Gross Settlement Fund."

3. The parties' Plan of Allocation submitted with the Settlement Agreement has been preliminarily approved by the Court. That Plan of Allocation (in Section IV) provides the following payments from the Gross Settlement Fund:

"B. **Payment of Attorney's Fees.** Attorney's fees paid shall be One Hundred Thousand Dollars (\$100,000.00) (an amount slightly less than one-third of the Gross Settlement Fund). This figure for attorney's fees is a reduced total based upon limited funds available in the settlement. Plaintiffs' attorney's fees at the time of settlement, based upon hourly rates for the attorney's, were greater than \$350,000 at the time the settlement was reached.

C. **Payment of Case Costs.** The sum of Five Thousand Seven Hundred Eighteen Dollars and Seventeen Cents (\$5,718.17) shall be paid to reimburse litigation expenses, costs and pay costs associated with notice of the Class Action Settlement and distribution of settlement funds.

D. **Class Representative Case Contribution Compensation.** The Named Plaintiffs who actively worked on this class action lawsuit shall be compensated as follows:

1. **Original Plaintiff Laura Hawkins** shall be paid Fifteen Thousand Dollars (\$15,000.00). Laura Hawkins did most of the work as a Class Representative, initiated this class action lawsuit, and has waived certain of her individual claims as part of this settlement.
2. **Remaining Seven Named Plaintiffs.** Each of the remaining seven Named Plaintiffs, Manuel Motta, Charlotte Hart, Robert Sluman, Jr., Kelly D. Isham, Troy Lee Colvin, Bryan Stepp, and Carl Morrison, II, shall be paid case contribution compensation of One Thousand Five Hundred Dollars (\$1,500.00) each for a total of Ten Thousand Five Hundred Dollars (\$10,500.00)."

4. The parties' settlement agreement (Section 8.1) required a separate motion to approve attorney's fees, expenses and class representative compensation on or before the deadline for any objections to the settlement. That deadline will be April 19, 2016.

5. With respect to the agreed-upon attorney's fees, Class Counsel submits his Affidavit and itemized Bill for Services as Exhibit 1. The agreed upon fee of One Hundred Thousand Dollars (\$100,000.00) is slightly less than one-third of the overall Settlement Fund, however, that sum is only a small percentage of Class Counsel's overall Bill for Services based upon his ordinary hourly rate. As explained to the Court in the motion to approve, the settlement is the product of significant compromise and limited available funds. Additionally, Class Counsel will be present at the June 1, 2016 Fairness Hearing to answer any questions the Court or any interested party may have regarding his Bill for Services or request for attorney's fees.

WHEREFORE, the Plaintiff Class moves the Court for an order approving the payment of attorneys' fees, costs, litigation expenses and Class Representative compensation in the sums contemplated under the terms of the parties' settlement agreement and Plan of Allocation after the Court conducts the June 1, 2016 Final Fairness Hearing and after the Court hears any

testimony and/or receives any evidence it deems necessary related to Plaintiff Class Counsel's itemized bill for services, and for all other just and proper relief in the premises.

HUNT, HASSLER, KONDRAS & MILLER LLP

By /s/Robert P. Kondras, Jr.

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***CERTIFICATE OF SERVICE***

I certify that on February 18, 2016 a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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